

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur		Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 8928		DATE	12/11/2002
CASE TITLE	Financial Management Services, Inc. vs. Coburn Supply Company, et al			

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:**DOCKET ENTRY:**

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing set for 1/22/03 at 9:00 A.M..
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Memorandum Order. Leave is granted to Financial's counsel to file an appropriate amendment to the Complaint that properly establishes the existence of the total diversity required for nearly two centuries by a filing in this court's chambers on or before December 23, 2002. In the absence of such a filing, this Court will be constrained to dismiss this action for lack of subject matter jurisdiction.

- (11) [For further detail see order on the reverse side of the original minute order.] order attached to the original minute

SN	courtroom deputy's initials	U.S. DISTRICT COURT	Document Number
			number of notices
			DEC 13 2002
			date docketed
			64
			docketing deputy initials
			12/12/2002
			date mailed notice
			SN
			mailing deputy initials
		02 DEC 12 PM : 30 02 DEC 12 PM : 30 Part time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FINANCIAL MANAGEMENT SERVICES,)
INC.,)
Plaintiff,)
v.) No. 02 C 8928
COBURN SUPPLY COMPANY, et al.,)
Defendants.)

DOCKETED

DEC 13 2002

MEMORANDUM ORDER

Financial Management Services, Inc. ("Financial Management") has filed a complaint against Coburn Supply Company, Inc. ("Coburn") and Lamonte's Heating and Cooling Sales, LLC ("Lamonte's"¹), seeking to invoke federal subject matter jurisdiction on diversity of citizenship grounds. Because that effort is obviously flawed in one respect, this memorandum order is issued sua sponte to require Financial's counsel to cure the defect if possible.

There is no problem under the allegations of the Complaint as to the requisite amount in controversy under 28 U.S.C. §1332 ("Section 1332"). Where the problem arises instead is in one defective allegation as to the litigants' states of citizenship--not as to Financial (Complaint ¶1) or Coburn (Complaint ¶2), as to each of which the Complaint identifies its

¹ This name is taken from the case caption, although the text of the Complaint simply refers to "Lamonte" without the "'s."

2

dual corporate citizenship under Section 1332(c)(1), but rather as to Lamonte's.

In that last respect Complaint ¶3 speaks of Lamonte's as "a Louisiana Limited Liability Company having its principal place of business in Mandeville, Louisiana." But it has been firmly established by our Court of Appeals (Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998) and later cases citing Cosgrove) that the relevant citizenship of every limited liability company is that of each of its members, with the principal place of business being just as irrelevant as the place of the company's formation.

Accordingly leave is granted to Financial's counsel to file an appropriate amendment to the Complaint that properly establishes the existence of the total diversity required for nearly two centuries (Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806)) by a filing in this Court's chambers on or before December 23, 2002. In the absence of such a filing, this Court will be constrained to dismiss this action for lack of subject matter jurisdiction.



Milton I. Shadur
Senior United States District Judge

Date: December 11, 2002